

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

COURTLAND WALKER, an §
individual; on behalf of himself §
himself and all others similarly §
situated, §

Plaintiff, §

vs. §

ALTA COLLEGES, INC., a §
Delaware Corporation, WESTWOOD §
COLLEGE, INC., a Colorado §
Corporation, TRAV CORPORATION, §
a Colorado Corporation f/d/b/a Westwood §
College Online, and WESGRAY §
CORPORATION, a Colorado Corporation §
d/b/a Westwood College Online §

Defendants. §

Civil Action No. 1:09-cv-894-LY

[JOINT PROPOSED] SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following
Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by August 20, 2010.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by July 16, 2010, and each opposing party shall respond, in writing, by July 30, 2010. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by April 1, 2010.

4. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B) by June 1, 2010. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by FED. R. CIV. P. 26(a)(2)(B), by June 18, 2010. All designations of rebuttal experts shall be filed and served on all other parties within fifteen (15) days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties within fifteen (15) days of receipt of the report of the opposing expert..

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within 30 days of receipt of the written report of the expert's proposed testimony, or within 14 days of the expert's deposition, if a deposition is noticed within 30 days of receipt of the written report of the expert's proposed testimony and taken, whichever is later. The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.

6. The parties shall complete all discovery on or before July 30, 2010. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. Plaintiff shall file any renewed motion for class certification by April 5, 2010 and shall be limited to thirty (30) pages. Defendants' response shall be filed by May 10, 2010 and shall be limited to thirty (30) pages. Plaintiff's reply shall be filed by May 24, 2010 and shall be limited to ten (10) pages.

8. All dispositive motions shall be filed no later than August 27, 2010 and shall be limited to twenty five (25) pages. Responses shall be filed and served on all other parties within thirty (30) days of the service of the motion and shall be limited to twenty five (25) pages. Any replies shall be filed and served on all other parties within fourteen (14) days of the service of the response and shall be limited to ten (10) pages.

9. This case is set for final pretrial conference, in chambers, on the _____ day of _____, 20____, at _____ and _____ trial in the month of _____, 20____. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference. If a Motion for Class Certification is granted without sufficient time for notice and an opt-out period before the scheduled trial, the trial date will be adjusted as necessary to accommodate the time periods set forth in Paragraph 7 of this Scheduling Order.

SIGNED AND ENTERED this _____ day of _____, 2010.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Daniel H. Gold

Barry F. McNeil
Stacy L. Brainin
Daniel H. Gold
Christopher Rogers
HAYNES AND BOONE, L.L.P.
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Telephone: 214-651-5000
Facsimile: 214-651-5940

**Counsel For Alta Colleges, Inc., Westwood
College, Inc., TRAV Corporation, and
Wesgray Corporation**

/s/ Jillian L. Estes

John A. Yanchunis
Jillian L. Estes
Jonathan B. Cohen
JAMES, HOYER, NEWCOMER,
SMILJANICH & YANCHUNIS, P.A.
One Urban Centre, Suite 550
4830 W. Kennedy Blvd.
Tampa, Florida 33609
Facsimile: (813) 286-4174

Counsel for Plaintiff Courtland Walker